

Notice of Allowability

Application No.

09/760,752

Examiner

Crystal J. Barnes

Applicant(s)

BULLMAN ET AL.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received on 14 October 2004.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ The drawings filed on 04 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

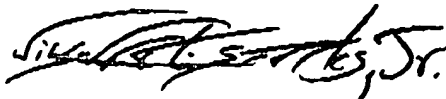
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



Wilbert L. Starks, Jr.
Primary Examiner

Art Unit - 2121

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William H. Bollman, Reg. No. 36,457 on 29 November 2004.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1 line 8, deleted "at least one of:" and inserted --selected from the group consisting of: --.

Claim 16 line 7, deleted "at least one of:" and inserted --selected from the group consisting of: --.

Claim 20 line 8, deleted "at least one of:" and inserted --selected from the group consisting of: --.

REASONS FOR ALLOWANCE

2. Claims 1-23 are allowed. Claims 24-29 are cancelled.

3. The following is an examiner's statement of reasons for allowance:

As per claim 1, the prior art of record taken alone or in combination fails to teach said network device is selected from the group consisting of: a HomePNA device, a BLUETOOTH device, a Homeplug device, a wired device, a power line device, and a wireless device.

As per claim 16, the prior art of record taken alone or in combination fails to teach said network device is selected from the group consisting of: a HomePNA device, a BLUETOOTH device, and a Homeplug device.

As per claim 20, the prior art of record taken alone or in combination fails to teach said network device is selected from the group consisting of: a HomePNA device, a BLUETOOTH device, and a Homeplug device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Election/Restrictions

4. Applicant's election of claims 1-23 in the reply filed on 14 October 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

5. Claims 24-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 14 October 2004.

Priority

6. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Drawings

7. The amendment to the specification to add the reference characters in the description was received on 14 October 2004. These corrections are acceptable.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to conserving/managing power in network devices in general:

USPN 5,283,905 to Saadeh et al.

USPN 6,282,665 B1 to Cruz

USPN 6,345,364 B1 to Lee

USPN 6,654,890 B1 to Girard

USPN 6,795,926 B1 to Matula et al.

USPN 6,822,764 B1 to Okabe et al.

US Pub. No. 2001/0031626 A1 to Lindskog et al.

US Pub. No. 2002/0019966 A1 to Yagil et al.

Haartsen, J.C., "BluetoothTM: a new radio interface providing

ubiquitous connectivity", 2000 IEEE 51st Vehicular Technology

Conference Proceedings, Spring Tokyo, Volume: 1, 15-18 May

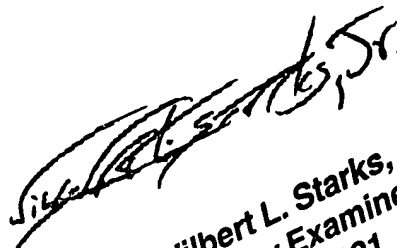
2000, Pages: 107 - 111.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB
22 July 2005


Wilbert L. Starks, Jr.
Primary Examiner
Art Unit - 2121